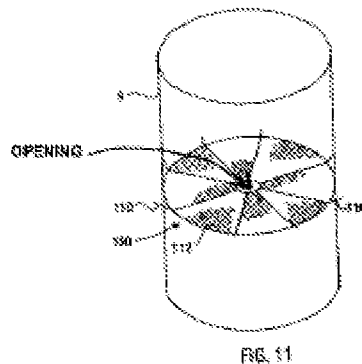


REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. The proposed amendment places the claims in better form for appeal. Additionally, this amendment addresses items brought up by the examiner in the final office action. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

35 U.S.C. §102 Rejection

In the Office Action, the Examiner maintained the rejection of claims 1-20 as being anticipated by United States Patent No. 5,693,067 and contended that the Purdy device does *fully* block blood flow. However, as seen in Purdy's Figure 11 (reproduced below) the lumen occluding portion of the Purdy device has an *opening* in its center.



Purdy does not describe any embodiments of his device that have a lumen occluding portion that does not include an opening. Because the lumen occluding portion of the Purdy device has an opening in it, it could not *fully* block blood flow.

To clarify the claimed invention, independent claim 1 is hereby amended to specify that the lumen blocking portion of the device is “configured to form a continuous barrier that fully blocks the lumen of the blood vessel...” This simple amendment clearly

distinguishes over Purdy because, as explained above, the lumen blocking portion of the Purdy device has an opening in it and thus does not form a continuous barrier that fully blocks the lumen of the blood vessel.

Entry of this amendment after final is appropriate because this amendment merely clarifies the claimed subject matter, does not raise any new issues and places the claims in condition for allowance thereby avoiding a time consuming and costly appeal. Accordingly, entry of this amendment and issuance of a notice of allowance is earnestly solicited.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1746.

Respectfully submitted,

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